

Federal Highway Administration

**Record of
Decision**

for

**State Route
509:
Corridor
Completion/
I-5/South
Access Road Project
Southwest King County, Washington**



Decision

The Federal Highway Administration (FHWA) concurs with the Washington State Department of Transportation (WSDOT), the Cities of SeaTac and Des Moines, King County and the Port of Seattle in the designation of the Preferred Alternative, C2, as the Selected Alternative for improvements on the State Route (SR) 509 project titled "Corridor Completion/I-5/South Access Road", in southwest King County, Washington.

Alternative C2 is identified as the environmentally preferable alternative which best protects, preserves, and enhances historic, cultural, and natural resources.

This decision is based on an evaluation of information presented in the Final Environmental Impact Statement (FEIS), the transportation needs of the project study area, and extensive interagency coordination. This Record of Decision (ROD) incorporates comments and responses received on the project during the 30-day comment period after the Notice of Availability of the Final EIS appeared in the Federal Register.

Additional basis for this decision is contained in the balance of this ROD document.

03/20/03
Date of Approval

Daniel M. Mathis
Daniel M. Mathis, P.E.
Division Administrator
Washington Division
Federal Highway
Administration

Record of Decision

State Route 509 Corridor Completion/I-5/South Access Road Project

Project Purpose

The purpose of the proposed action is to improve regional highway connections with an extension of State Route (SR) 509 to serve future transportation needs in southwest King County and to enhance southern access to and from Seattle-Tacoma International Airport (Sea-Tac Airport).

Environmental Review and Issuance of the Final Environmental Impact Statement

The proposed improvements are described in the FEIS, FHWA-WA-EIS-95-02-F, approved on January 10, 2003, and issued on January 22, 2003. The Notice of Availability appeared in the Federal Register on January 31, 2003. Comments on the FEIS were requested by March 3, 2003. The FEIS and Section 4(f) Evaluation and all findings therein are incorporated in this ROD by reference.

The environmental documentation process for the project followed a tiered approach, as cited in FHWA regulations found in 23 CFR section 771.111 (g), and Council on Environmental Quality (CEQ) regulations found in 40 CFR section 1502.20. The first tier analysis consisted of a broad, corridor-level, Draft EIS (DEIS) issued in December 1995. Based on the results of that analysis, it was the recommendation of FHWA that the project proceed to the second-tier, project-level, analysis that resulted in a Revised Draft EIS (RDEIS), which was issued in January 2002. Both the corridor-level DEIS and Section 4(f) Evaluation and project-level RDEIS and Section 4(f) Evaluation, and all findings therein, are incorporated in this ROD by reference.

The SR 509 project participated in the Signature Agency Committee Agreement (SAC) process, formerly known as the NEPA/SEPA/404 Merger Agreement process. Through over 7 years of involvement in the SAC process, the SR 509 project obtained early, regular and detailed

participation from the six state and federal agencies with regulatory oversight of the project. Participation of the agencies was assured through a series of coordination meetings and concurrence points at key milestones throughout the environmental analysis, documentation, and review process. This included concurrence on the project purpose and need, alternatives to be evaluated in the draft EIS, and selection of the Preferred Alternative (which is now the Selected Alternative). Final concurrence on the Preferred (Selected) Alternative and Apparent Section 404 Least Environmentally Damaging Alternative was received in November 2002.

Selected Alternative C2

Alternative C2 as described in this Record of Decision (ROD) was designated as Preferred Alternative in the FEIS (Section 2.3.6) and becomes the Selected Alternative in this ROD. All references in this ROD to the Selected Alternative shall hereafter refer to the FEIS Preferred Alternative.

Alternative C2 is a modification of the original project-level preferred Alternative C, which was developed based on the 1995 corridor-level preferred Alternative 2. Throughout the project-level environmental analysis Alternative C2 has retained consensus as the preferred alternative with the co-lead agencies and the public. In September 2001 the SAC regulatory agencies issued concurrence designating Alternative C2 as the Preliminary Preferred Alternative. Alternative C2 is described below along with the other alternatives considered in the FEIS. A more detailed discussion of the alternatives considered and the tradeoffs between alternatives is contained in the Summary section of the FEIS, as well as Chapter 2.

Does Not Restrict Meaningful Consideration of Other Nearby Reasonably Foreseeable Improvements with Independent Utility and Logical Termini

The proposed improvements allow for future planned improvements within the proposed extension of the SR 509 corridor, and along the I-5 corridor within the project limits.

Planned projects within the SR 509 corridor include the 28th/24th Ave. Arterial Street Project Phase 2, International Boulevard (SR 99) Phase IV, and the widening of S. 200th St., all by the City of SeaTac. These projects have been or will be evaluated under separate NEPA/SEPA documents.

Planned projects within the I-5 corridor include completion of Stages 4 and 5 the I-5 HOV Program by WSDOT, the S. 228th St. Extension Project by the City of Kent, and the S. 272nd St. Star Lake In-Line HOV Station and S. 317th HOV Direct Access projects by Sound Transit. These projects have been or will be evaluated under separate NEPA/SEPA documents.

Alternatives Considered in the Final EIS

The FEIS examined the following alternatives:

- Alternative A (No Action Alternative)
- Alternative B
- Alternative C2 (**Selected Alternative**)
- Alternative C3

Basis for Designation of the Selected Alternative

Alternative A (No Action)

The No Action Alternative (Figure S-3 in the FEIS) represents the baseline conditions assumed to exist in the future regardless of whether or not the proposed project is constructed. Under the No Action Alternative, the SR 509 freeway extension, the South Access Road to Sea-Tac Airport, and the associated improvements to I-5 will not be built.

Under the No Action Alternative, no new major construction activities described in the proposed project action will occur. Short-term minor construction necessary for continued operation of existing roadway facilities will be accomplished, and minor safety improvements could be constructed as required. In addition, other funded or planned baseline transportation improvement projects within the project area (listed at the bottom of Figure 2.3-3 in the FEIS) are assumed to be operational in the year 2020, as well as other projects and developments such as the South Aviation Support Area and the Third Runway projects at Sea-Tac Airport, re-development within the Port of Seattle Noise Remedy Program area, the Des Moines Creek Basin Plan, the City of Des Moines Pacific Ridge Neighborhood Improvement project, and the City of SeaTac Central Business District and Aviation Business Center projects. These projects have already been, or will be, subject to separate environmental review; analysis of their specific impacts is not included in the FEIS. However, these projects are considered in the analysis of secondary and cumulative impacts in the FEIS.

Alternative A was not chosen as the selected alternative because:

- It did not meet the project purpose and need.
- It will not enhance traffic circulation. Increased congestion will result in increased travel times and accidents and delay emergency vehicle response.
- It will not contribute to the necessary transportation improvements required to support previous local agency decisions on zoning and comprehensive plans made under the Growth Management Act in SeaTac, Des Moines and southwest King County.
- Increases potential for hazardous material spills because of future increases in traffic congestion.
- It failed to adequately address social, economic and community planning.
- It did not address airport accessibility.

Alternative B

Under Alternative B, the SR 509 mainline will extend southward from its existing terminus at South 188th Street/12th Place South and intersect with I-5 in the vicinity of South 211th Street (Figure S-6 in the FEIS). The freeway extension and the South Access Road will generally parallel each other in a north-south orientation on the west and east sides of Des Moines Creek Park, starting in the vicinity of South 208th Street and 24th Avenue South. The alignment will cross over Des Moines Creek and pass through Des Moines Creek Park at its narrowest point. The length of the SR 509 freeway extension under Alternative B will be approximately 3.8 miles (including South Access Road).

Alternative B was not chosen as the selected alternative because:

- It will cross through the middle of Des Moines Creek Park. This will indirectly and aesthetically divide the park, diminishing the visual quality and user experience. It will also take trees and increase traffic noise in what is considered one of the most

pristine areas of the park. As a result, Alternative B is not supported by the Parks Directors from the Cities of SeaTac and Des Moines.

- It will require acquisition of the greatest area of wetlands, and will impact higher quality wetlands than the other build alternatives.
- It provides the longest connection between existing SR 509 and the I-5 corridor, resulting in more new impervious surface area than the other build alternatives.
- It will impact the largest number of sensitive noise receptors (primarily residential units).

Alternative C2 (Selected)

Alternative C2, the Preliminary Preferred Alternative, will begin at the existing SR 509 terminus at South 188th Street/12th Place South and intersect with I-5 in the vicinity of South 212th Street (Figure S-7 in the FEIS). Alternative C2 will cross to the east on the north side of Des Moines Creek Park. The alignment will be elevated as it crosses the northeast corner of Des Moines Creek Park. The South Access Road interchange with SR 509 will be in the vicinity of South 208th Street and 24th Avenue South. The length of Alternative C2 will be approximately 3.2 miles (including South Access Road).

Alternative C2 was chosen as the Selected Alternative because it is the most desirable in terms of balancing functional efficiency and environmental, social, and economic impacts and:

- Wetland impacts have been reduced from 8.5 acres down to 0.32 acres, while buffer impacts have almost been cut in half from 13.9 acres to 7.04 acres. This was accomplished through alignment adjustments and the decision to span all higher quality wetlands.
- Stream crossings and riparian area impacts have been significantly reduced by the decision to span the five crossings of Des Moines Creek with bridges.
- Direct impacts to 4(f) properties have been reduced through incorporation of the above design changes. Of all build alternatives, the Parks Directors of the Cities of SeaTac and Des Moines, as well as King County, were most accepting of

the 4(f) impacts associated with C2, and have formally accepted the proposed mitigation measures.

- It provides the most tangential connection between existing SR 509 and the I-5 corridor, resulting in the least new impervious surface area of all build alternatives considered in the FEIS.
- The public, permitting agencies, and project partners have not identified any reasons why C2 should not be moved forward to become the Preferred Alternative, and have consistently supported C2 over all other build alternatives considered.

Alternative C3

Alternative C3 will begin at the existing SR 509 terminus at South 188th Street/12th Place South and intersect with I-5 in the vicinity of South 212th Street (Figure S-8 in the FEIS). Like Alternative C2, Alternative C3 will cross to the east on the north side of Des Moines Creek Park; however, it will encroach further into the park than Alternative C2. Alternative C3 will also be elevated as it crosses the northeast corner of Des Moines Creek Park. The South Access Road interchange will occur in the vicinity of South 204th Street and 24th Avenue South. Under Alternative C3, the length of the SR 509 extension will be approximately 3.5 miles (including South Access Road).

Alternative C3 was not chosen as the selected alternative because:

- It provides a less direct connection between existing SR 509 and the I-5 corridor, resulting in more new impervious surface area than Alternative C2.
- It has slightly greater impacts to wetlands than Alternative C2.
- It will cross through the Alaska Airlines Gold Coast Center, intended to serve as their west coast maintenance and operations center. This will possibly require relocation of this large facility to another state due to the lack of comparable alternative sites near Sea-Tac Airport. The city of SeaTac indicated that it could not support an alternative that will have that great of a negative effect on the economic base of the community.

Section 4(f) Evaluation

The final Section 4(f) Evaluation is included in Chapter 4 of the Final EIS, and is incorporated here by reference. Consistent with 23 CFR Section 771.135, the FHWA has made a determination that the Selected Alternative incorporates all possible planning to minimize harm to the Section 4(f) land and resources to the extent allowable based on the level of detail available at the Final EIS. Furthermore, this determination finds that there are no feasible and prudent locations or alternatives for the action to avoid the use of Section 4(f) land and resources; and no other feasible and prudent alternative is more effective in minimizing potential harm to Section 4(f) resources. Details regarding the effects to Section 4(f) resources, the proposed mitigation to offset and minimize those effects, and concurrence from all relevant local jurisdictions is included in Chapter 4 and the associated Section 4(f) Appendix.

Measures to Minimize Harm

The Selected Alternative C2 incorporates all practicable measures to minimize environmental harm. Implementation of the selected alternative includes all mitigation measures identified in Chapter 3 of the FEIS, which are herein incorporated by reference. The following is a summary of mitigation measures and commitments imposed under this ROD for the Selected Alternative. This summary is provided to facilitate the monitoring of the implementation of the mitigation measures and to give a sense of the nature of the mitigation actions and associated impacts. However, this summary does not supercede or negate any of the commitments for environmental mitigation established in the FEIS, where the impacts and mitigation actions are described in more detail. References to the FEIS are shown with page numbers in parenthesis referring to their location in the document.

Air Quality

- ❑ Mitigation measures to control PM₁₀, deposition of particulate matter, and emissions of CO and NO_x will be implemented during construction per the Associated General Contractors of Washington guidelines and Puget Sound Clean Air Agency regulations. (page 3.1-10)

- ❑ Project construction staging will be managed to reduce overall system congestion and delays, which will reduce regional emissions of pollutants, to the greatest extent practicable

Noise

- ❑ Operational noise impacts will be reduced by providing noise barriers in some areas not currently protected by barriers, consistent with the appropriate noise impact and abatement criteria of FHWA and WSDOT. Proposed preliminary noise wall locations are shown in Figures 3.2-3 (I-5 corridor) and 3.2-5 (SR 509 corridor) of the FEIS, and are summarized as follows:

Proposed Noise Barriers

North side of SR 509 from I-5 to SR 99
South side of SR 509 from I-5 to 32 nd Ln S.
South side of SR 509 in the vicinity of 30 th Ave. S. to S. 208 th St.
Southwest side of SR 509 from SR 99 to 26 th Ave. SW
Northeast side of SR 509 from 27 th Pl. S. to a point south of 24 th Ave. S.
West side of SR 509 from 13 th Ave. S. to Des Moines Memorial Dr. S.
The residential area east of I-5 from S. 310 th St. to S. 288 th St.
The residential areas west of I-5 from S. 310 th St. to appr. 2,400 feet south of S. 288 th St.
The residential areas on both sides of I-5 from S. 288 th St. to S. 272 nd St.
The residential area on the east side of I-5 from S. 272 nd St. to S. 268 th St.
The residential area on the west side of I-5 from S. 260 th St. to S. 228 th St.
The residential area on the west side of I-5 from S. 228 th St. to S. 216 th St.

- ❑ An additional detailed noise analysis (per 23 CFR 772 and WSDOT policy and procedures) will be performed on the final preliminary design to better determine barrier feasibility and reasonableness, and to determine their ultimate locations and limits. A draft of this analysis is included in Appendix I of the FEIS.

- ❑ Based upon the final preliminary design, prior to construction the above referenced noise analysis (per 23 CFR 772 and WSDOT policy and procedures) will be updated per current WSDOT and FHWA policy and guidelines to ensure that final barrier locations meet all applicable reasonableness and feasibility criteria.
- ❑ Non-barrier methods of noise shielding will also be considered where feasible, including the retention and use of additional vegetation and the use of earth berms. Discussions with the jurisdictional agencies for the Linda Heights Park and Mark Twain School (both adjacent to the existing I-5 right-of-way) have indicated the desire for mitigation measures other than barriers.
- ❑ Contractors will be required to comply with all state and local regulations governing construction noise, including conditions and restrictions defined within local permits. Numerous techniques will be implemented to minimize the negative effects of construction noise. (page 3.2-25)

Energy

- ❑ Contractors will be encouraged to implement a variety of low-cost and simple mitigation measures to reduce construction-related energy consumption to the extent practicable. (page 3.3-10)

Geology and Soils

Advance measures to minimize harm during the design phase include (page 3.4-11):

- ❑ A supplemental geotechnical investigation will be conducted.
- ❑ Prepare specific recommendations for liquefaction mitigation, subgrade preparation, roadway embankment, cut and fill, slope stability, foundation design, retaining structures, dewatering measures, and erosion control plans.
- ❑ Identify suitable waste sites for unsuitable excavated soils.
- ❑ Design structures to meet current seismic standards.

- ❑ Retaining walls or other slope protection where embankment fills need to be minimized.

Measures to minimize harm during the construction phase include (page 3.4-12):

- ❑ A detailed erosion and sedimentation control plan will be prepared as part of the construction contract specifications.
- ❑ Construction activities will require a permit under the stormwater rules of the National Pollutant Discharge Elimination System (NPDES).
- ❑ Conduct regular maintenance for any permanent detention and sedimentation ponds constructed as part of the project.

Water Quality

The following mitigation measures have been incorporated into the design of the Selected Alternative to reduce potential water quality impacts (page 3.5-27):

- ❑ Design stormwater treatment in accordance with current King County detention and water quality treatment criteria, as modified by the Des Moines Creek Basin Plan. This is according to the basic water quality menu in the *Surface Water Design Manual* (King County 1998), the WSDOT 1995 *Highway Runoff Manual* (WSDOT 1995), and additional WSDOT guidance related to ongoing updating of the *Highway Runoff Manual* to ensure functional compatibility with the Department of Ecology (DOE) *Stormwater Management Manual for Western Washington* (DOE 2001).
- ❑ Manage stormwater from the roadways separately from upstream surface water intercepted by the highway to the extent practicable.
- ❑ Maintain stormwater management facilities for the proposed project, except for facilities related to the South Access Road, which will be maintained by the Port of Seattle.
- ❑ Follow maintenance measures identified in the *Roadside Classification Plan* (RCP, WSDOT 1996) and the *Regional*

Road Maintenance Endangered Species Act Program Guidelines (NMFS 2001). The Integrated Vegetation Management (IVM) plan will promote use of native vegetation and reduced use of fertilizers, pesticides, and other controls. The visual quality policy will assume environmentally beneficial landscaping, the use of water-efficient and runoff-reduction practices, and construction with minimal impact on habitat. Regional facilities constructed as part of the Des Moines Creek Basin Plan (DCBP) will not be maintained by WSDOT.

- ❑ Infiltrate stormwater runoff for the SR-509 freeway extension and South Access Road, where subsoil and groundwater conditions allow.
- ❑ In the I-5 corridor, detain and release stormwater runoff into stormwater treatment wetlands where practicable, where it will be infiltrated into the soil and cleansed by wetland plants.
- ❑ Construct infiltration facilities only at the locations where groundwater is not immediately under the surface, so infiltration from the bottom of the infiltration facilities will not be impeded by high groundwater. Infiltration facilities will not be located in the vicinity of public wells.
- ❑ Where infiltration is not feasible, detain and treat stormwater runoff, applying enhanced treatment where practicable.
- ❑ Comply with the DCBP, thereby reducing high flows and stream bank erosion, thus slowing degradation of wetlands and fish and wildlife habitat in the basin.
- ❑ Plant trees and shrubs around detention ponds and along stream banks adjacent to the proposed alignment to provide shade and help lower stream temperatures.
- ❑ Comply with FAA design standards requiring restrictions on the use of open water impoundments such as wet ponds and biofiltration swales because of their potential for attracting wildlife that could interfere with airport operations (FAA 1997).

Operation mitigation measures will include (page 3.5-29):

- ❑ Operation and maintenance of stormwater management systems.

- ❑ Outfalls from proposed stormwater treatment facilities will be designed to dissipate the energy of the discharged water to prevent streambed scouring.
- ❑ Where practical, outfalls will be designed to improve fish habitat in the stream by including an alcove of low-velocity water.
- ❑ Implement design specifications from WSDOT's Municipal NPDES permit for stormwater runoff.
- ❑ Implementation of an accidental spill response plan.
- ❑ Equip flow-control structures at stormwater detention facility outlets with baffles and a spill-control separator to retain buoyant materials (lighter than water) such as petroleum products to help control the spread of accidental spills during highway operation.
- ❑ Limit use of de-icing materials and herbicides for vegetation management within the highway right-of-way. Apply herbicide sprays to control vegetation only in dry weather under zero or mild wind conditions.
- ❑ Spraying will be done by a licensed sprayer. Precautions will be taken when spraying near sensitive water resources.
- ❑ Maintain records to keep track of the date, location, type, and amount of herbicides applied.
- ❑ Follow additional applicable guidelines for vegetation management, as outlined in the RCP (WSDOT 1996).
- ❑ Bare or thinly vegetated ground surface areas within the right-of-way will be minimized, particularly on slopes.
- ❑ Where practicable, grass vegetation will be used between the edge of pavement and roadside ditches, and in earth-lined ditches, to reduce erosion and encourage biofiltration of stormwater where possible.

Construction mitigation measures will include (page 3.5-30):

- ❑ Implement local, state, and federal government permit requirements to mitigate potential construction impacts on surface and groundwater resources.

- ❑ Develop a Stormwater Site Plan (SSP) per the requirements of the NPDES permit.
- ❑ Implement effective BMPs to maintain water quality standards at construction sites. This includes minimizing exposed soil surfaces and controlling erosion and sedimentation, to prevent or reduce potential impacts on surface water and groundwater quality. The King County *Surface Water Design Manual* (King County 1998) and WSDOT's *Highway Runoff Manual* (WSDOT 1995) will be used for BMP selection and design criteria.
- ❑ Construction activities will be phased to minimize the amount of earth exposed at any one time to erosive forces.
- ❑ Construction entrances, exits, and parking areas will be designed to reduce tracking of sediment onto public roads.
- ❑ Vegetative erosion-control practices will be used (seeding, mulching, soil conditioning with polymers, flocculants, sod stabilization, vegetative buffer strips, and protection of trees with construction fences).
- ❑ Implement sediment-control practices (straw bales, silt fences, check dams, sediment traps, sedimentation basins, and flocculation methods).
- ❑ Control erosion of stockpiled materials (e.g., diverting upslope water around stockpiles, covering stockpiles, and placing silt fences around stockpiles).
- ❑ Preserve the permeability of pervious areas within the project construction site to the greatest extent practical
- ❑ Perform routine monitoring and maintenance of erosion and sediment control BMPs.
- ❑ For construction that takes place during the wet season (October 1 through April 30), exposed soils will be subjected to additional controls specified in King County's erosion and sedimentation control standards (King County 1998).
- ❑ A Spill Prevention Control and Countermeasures (SPCC) plan will be adopted as a construction planning element of the project, to reduce accident-related water quality impacts

(Wilson pers. comm. 1999). The plan specifies the responsibilities of those involved during accidental spills.

Wetlands

- ❑ Avoid all DOE Category 1 wetlands and span all DOE Category 2 wetlands with bridges to minimize direct impacts. In addition, the South Access Road will span the Tyee Pond wetland/stormwater site with a bridge to minimize direct impacts. It is expected that limited bridge columns will be required within the limits of the spanned wetland.
- ❑ Create new wetlands or enhance existing wetlands as mitigation where direct impacts on wetlands cannot be avoided. Creation and/or restoration will be at a minimum mitigation ratio of 1:1, with final decisions based on the presiding local jurisdiction guidelines.
- ❑ Mitigation will be implemented prior to wetland impacts where feasible, to reduce temporal losses to wetland functions.
- ❑ Plant shade-tolerant native species where appropriate to mitigate for bridge shading impacts and to ensure further preservation of wetland function and health.
- ❑ Adhere to guidance presented in the FAA advisory circular (FAA 1997) regarding wildlife attractions at or near airports. This circular discourages the placement of wetland mitigation projects that could attract certain wildlife in areas where air traffic is present. Ongoing coordination with the FAA will continue to ensure that any proposed mitigation within the 10,000 foot restricted zone meets appropriate criteria as described in the FAA advisory circular.
- ❑ Adhere to BMPs and local environmental protection policies to ensure that stormwater runoff is collected and treated, and that discharge to existing water bodies is controlled. A Stormwater Pollution Prevention Plan and TESC Plan will be prepared and implemented to avoid or minimize construction impacts on wetlands and streams. No storage or disposal of sediments or chemicals will occur within wetlands or wetland buffers. Settling ponds, containment berms, silt fences, sediment traps, seeding of exposed slopes, and other measures will be implemented as appropriate.

- ❑ Temporary construction impacts, such as construction access, staging areas, and scaffolding, will be designed to minimize impacts on wetlands where structures will be built. Areas with short-term construction impacts will be restored by replanting with native trees and shrubs upon completion of construction activities.

Vegetation, Wildlife, Fish, and Threatened and Endangered Species

Vegetation and Wildlife:

- ❑ Cover, seed, and/or re-vegetate disturbed soils with native species following construction and final grading to help reduce soil erosion and colonization by nonnative species. This will include establishing native plant communities to replace exotic, invasive species where appropriate.
- ❑ Implement maintenance practices following construction of the proposed project to create a diversity of grassland habitat over time. This could include a variable mowing schedule for grassy right of way.
- ❑ Avoid prime forested areas, wetlands, and riparian areas where possible during construction.
- ❑ Leave snags, brush piles, and downed trees in forested and wetland areas (if possible), where they provide a variety of wildlife habitats, such as perch sites for raptors, nesting areas for passerine birds, den habitat for small mammals, and cover for amphibians and reptiles.
- ❑ Schedule construction activities to take into account timing recommendations from WDFW and other agencies to avoid disturbing breeding wildlife in sensitive habitats such as wetlands.
- ❑ Schedule, to the extent possible, land clearing of woody vegetation so that it does not occur in early spring when most bird species are nesting (Brown 1985).

- ❑ Use construction procedures that minimize damage to existing vegetation, avoid habitat loss, and minimize soil compaction and erosion.
- ❑ Conduct monitoring during and after construction to ensure mitigation measures are successfully implemented and that performance standards are achieved. If mitigation performance standards are not met during post-construction monitoring, additional mitigation will be required and implemented as appropriate.

Fish:

- ❑ All streams will be crossed with bridges to minimize project impacts on streams and fish habitat. Bridges will be designed to comply with WDFW criteria for safe fish passage.
- ❑ In-water work will be minimized. Currently it is limited to the culvert extension at South 200th St. Water-related construction will be timed to avoid critical migratory, spawning, and rearing periods of anadromous and important resident fish.
- ❑ Comply with drainage and erosion-control requirements and implementation of stormwater BMPs presented in Section 3.5, *Water Quality*. These measures will minimize increases in pollutant loading to waters receiving stormwater runoff and reduce potential impacts on aquatic resources from water quality degradation.
- ❑ Continued design efforts on the Selected Alternative will focus on minimizing new impervious surface area.
- ❑ Exceed drainage control requirements and maximize opportunities for infiltration wherever possible.
- ❑ Mitigate potential habitat impacts on anadromous and resident fish habitat at stream crossings based on conditions set within the project HPA. The HPA permit will likely require that construction near the creeks occur during a specified time, typically between July 1 and September 1.
- ❑ Coordination with NOAA Fisheries and USFWS might also provide construction window recommendations.

- ❑ Reduce potential baseflow impacts by infiltrating stormwater runoff and recharging shallow groundwater to the maximum extent practicable.
- ❑ Federal, state, and local agencies will review plans to ensure proposed stormwater management designs avoid or minimize potential impacts.
- ❑ Monitor mitigation measures related to water quality and hydrology operational impacts after the proposed project is completed to determine their overall effectiveness and appropriateness.
- ❑ Roadway maintenance will be conducted in accordance with the BMPs outlined in the *Regional Road Maintenance Endangered Species Act Program Guidelines* (NMFS 2001).
- ❑ As part of its contribution to the Des Moines Creek Basin Plan (DCBP), the SR 509 Project will contribute \$1.8 million towards the construction of a replacement bridge across Des Moines Creek at Marine View Drive (RM 0.3), and provide stream restoration and riparian zone enhancement in the vicinity of Marine View Drive.
- ❑ The SR 509 Project will contribute to the remaining Capital Improvement Projects identified in the DCBP. The goals of the plan are to protect fish and wildlife in Des Moines Creek and other tributary streams and lakes in the Des Moines Creek Basin.
- ❑ The design team will continue to investigate enhancement opportunities for Des Moines Creek in the vicinity of the project area. This could include enhancement or restoration of the stream or the riparian buffer in locations that are currently biologically or topographically deficient.

Threatened and Endangered Species:

- ❑ No federal- or state-listed sensitive, threatened, or endangered species regularly breed, forage, or occupy the project area. For this reason, no impacts on threatened and endangered species are anticipated. WSDOT will continue to coordinate with the federal and state regulatory agencies, and will update relevant environmental documents if changes to listed species occur prior to or during construction.

Land Use

- ❑ Continue to coordinate with local jurisdictions and regional authorities to integrate the proposed project with other transportation and transit-related projects. Unavoidable adverse effects on land uses from the combination of the projects will be minimized.
- ❑ Acquire all applicable federal, state, and local permits and approvals to complete construction and to ensure that the proposed project is consistent with local comprehensive plans, zoning ordinances, and other applicable regulations in effect at the time of review.
- ❑ Complete the proposed property trade with the City of SeaTac to offset impacts resulting from the required acquisition of portions of Des Moines Creek Park, as defined in the Interagency Letter of Understanding (Section 4(f) Appendix). Such coordination is being conducted in conjunction with a detailed Section 4(f) Evaluation (Page 4-31).
- ❑ People and businesses displaced by new right-of-way acquisition will be entitled to relocation assistance and payment programs. A discussion of these programs is provided in Section 3.9, *Relocation*. Section 3.2, *Noise*, discusses mitigation of unavoidable adverse noise impacts; Section 3.14, *Visual Quality*, discusses mitigation of visual impacts.
- ❑ Implement temporary traffic control measures to minimize traffic congestion during construction.

Relocation

- ❑ The project design team will continue to make all reasonable attempts to avoid and minimize acquiring properties or displacing residents or businesses.
- ❑ All relocation activities for the affected residents and businesses will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policy Act (49 CFR Part 24) and Washington State's Uniform

Relocation Assistance and Real Property Acquisition Policy (RCW 8.26). Services offered include advisory services from a relocation specialist, payment of moving costs, and replacement housing payments, including purchase supplements, rental assistance, and down-payment assistance.

- ❑ Displaced households will be relocated as close to their original residences as possible, unless otherwise requested. Low-income residents will be relocated in close proximity to places of employment and public transportation.
- ❑ Displaced businesses occupying commercial warehouse or retail space near the airport will be relocated with similar proximity to the airport, so that they can maintain their essential nearby access.

Social

Community Cohesion:

- ❑ Construct a new access connection between South 208th and both South 204th and South 211th Streets to preserve access to remaining apartment complexes in the Madrona neighborhood.
- ❑ The project team will continue to investigate the feasibility and benefits of maintaining through access on key neighborhood streets by means of additional overcrossings or undercrossings. This includes investigating the feasibility and benefits of pedestrian and bicycle access across the roadway to provide connection between portions of bisected neighborhoods and along key east-west corridors.

Recreation:

- ❑ Replace any parkland acreage acquired with an equal amount of acreage of reasonably equivalent or greater recreational utility within the existing SR 509 right-of-way south of South 200th Street and immediately adjacent to Des Moines Creek Park's western boundary. The land trade to accomplish this is being conducted in conjunction with a detailed Section 4(f) Evaluation (Page 4-31).

- ❑ Integrate a northbound extension of the existing Des Moines Creek Trail into the design of the SR 509 improvements to mitigate the potential impacts on Des Moines Creek Park. This is defined in conjunction with a detailed Section 4(f) Evaluation (Page 4-31).
- ❑ Coordinate closely with the City of SeaTac regarding temporary construction disruptions to Des Moines Creek Park access at S. 200th St., and bike and pedestrian use of the Des Moines Creek Trail. Disruptions to these facilities will be minimized and, when unavoidable, alternative routes and detours will be implemented.
- ❑ Continue to coordinate with the local jurisdictions regarding mitigation measures for visual and noise proximity impacts to Midway and Linda Heights Parks, and Mark Twain Elementary School playfield. Per the concurrence letters received from the agencies (Section 4(f) Appendix), this may include construction of noise barriers where warranted by WSDOT and FHWA policies; construction or revision of earth berms; installation of new right-of-way fencing and planting of trees and/or small shrubs to minimize noise and visual impacts.

Schools:

- ❑ WSDOT will coordinate with local school districts to promote extension of local bus routes for children whose school access will be disrupted due to local access revisions or temporary construction disruptions.
- ❑ Provide permanent and temporary pedestrian-safety features (sidewalks, crossing lights, crossing guards) along walking routes from affected areas to neighborhood schools.

Fire and Police Protection:

- ❑ Coordinate with area police departments, fire districts and emergency service providers on the location of freeway crossings to develop access plans for emergency services in areas where street access will be permanently or temporarily revised.
- ❑ Ensure that water lines at each end of cut-off streets will be of adequate size to meet fire flow standards.

- ❑ Investigate providing alternate access by extending existing streets (such as cul-de-sacs) into the affected neighborhoods, if street cutoffs were to result in excessively circuitous neighborhood access routes that could substantially hinder the progress of emergency vehicles.

Pedestrians and Bicyclists:

- ❑ Integrate a northbound extension of the existing Des Moines Creek Trail into the design of the SR 509 improvements to mitigate the potential impacts on Des Moines Creek Park. This is defined in conjunction with a detailed Section 4(f) Evaluation (Page 4-31).
- ❑ Investigate the feasibility and benefits of pedestrian and bicycle access across the roadway to provide connection between portions of bisected neighborhoods and along key east-west corridors.
- ❑ Where permanent or temporary revisions to pedestrian and bicycle access occur, redirect pedestrian and bicycle facilities along the local streets to the nearest arterial that will cross the proposed improvements.

Utilities:

- ❑ Coordinate with project area water and sewer districts on potential relocations of mains, trunk lines, and other facilities.
- ❑ Minimize service disruption impacts through early warning notifications to customers regarding scheduled outages.
- ❑ Work with PSE to avoid or minimize disruption of the local power and gas supply.
- ❑ WSDOT will coordinate with Puget Power to locate new transmission and distribution poles and to ensure that required transmission and distribution line relocations will not result in service interruptions.
- ❑ Wood power transmission and distribution poles could be replaced, as necessary, with tall steel poles to provide adequate roadway and flyover ramp clearance.

- ❑ Crossings of high-pressure gas pipelines will meet PSE standards for pipeline protection. During final design of the selected alternative, WSDOT will submit plans of the crossings to PSE for review and approval prior to construction.

Economics

- ❑ Contractors will be required to submit and receive approval of a construction plan to maintain access for all properties and businesses adjacent to construction activity.
- ❑ Coordinate with affected business owners to develop and implement strategies to maintain access to businesses during construction.
- ❑ Temporary signs will be installed to inform drivers that access to businesses during construction is unchanged, temporarily changed, or restricted.
- ❑ Inform businesses displaced by new right-of-way acquisition or other construction activities that they are entitled to relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policy Act (49 CFR Part 24) and Washington State's Uniform Relocation Assistance and Real Property Acquisition Policy (RCW 8.26).

Historic and Archaeological Resources

- ❑ Subsurface construction operations will be monitored by a qualified archaeologist when ground disturbance is expected to occur.
- ❑ If the archaeological monitor observes what appear to be cultural deposits, construction will be temporarily halted in the “find” location until a preliminary analysis of the find can be made.
- ❑ In the event that potentially significant archaeological remains are found during construction, WSDOT late discovery procedures will be applied.

Hazardous Waste

Erosion Control:

- ❑ A Temporary Erosion and Sediment Control Plan will be required to address stormwater diversion, use of stormwater conveyance, and covering hazardous waste stockpiles to control erosion of contaminated soils.

Spill Prevention, Containment, and Countermeasures Plan:

- ❑ Require the inclusion of a Spill Prevention, Containment, and Countermeasures (SPCC) Plan specification in all construction contracts to help prevent erosion of contaminate soil.

Building Demolition, Asbestos, and Lead-Based Paint:

- ❑ Conduct pre-construction investigation and testing to determine the location and quantity of asbestos and lead-based paint waste so that these wastes can be appropriately abated prior to demolition.
- ❑ Buildings containing lead-based paint will be sampled to determine the appropriate characteristics of the debris for disposal purposes. Mitigation for asbestos-containing materials will include removal and disposal of asbestos-containing material prior to demolition.

Underground Storage Tanks:

- ❑ Conduct construction planning and surveys to determine the existence of USTs. Planning will include contracting contingencies for removal and disposal of USTs and any associated contaminated soil.

Contaminated Soil and/or Groundwater Cleanup:

- ❑ Mitigation of contaminated soil will include pre-construction planning to define the areas where contaminated soil will likely be encountered, designing road cuts to minimize the quantity of contaminated soil that must be managed, and implementing viable cleanup alternatives for contaminated soil.

- ❑ Where mitigation is necessary consider capping to prevent contact with contaminated soil, removal followed by disposal, treatment, and determining alternative cleanup levels using *Interim Total Petroleum Hydrocarbon Guidelines* (Ecology 1997).
- ❑ Limit excavation activities to low water table seasons, when feasible, to minimize contaminated groundwater impacts.

Worker Protection:

- ❑ Train workers properly in the recognition and handling of hazardous waste and the proper use of PPE and hygiene techniques.
- ❑ Require contractors to evaluate what level of PPE is required prior to commencing construction activities in known and potentially contaminated areas.
- ❑ Require that cleanup workers comply with Occupational Safety and Health Administration (OSHA) and Washington Industrial Safety and Health Act (WISHA) training regulations.

Air Quality:

- ❑ Conduct pre-construction planning for potential air quality impacts. The planning will identify situations in which air quality impacts are anticipated and develop measures to minimize or mitigate those impacts.
- ❑ Implement dust suppression measures at sites where contaminated dust could be generated, including monitoring after implementation.
- ❑ Venting with forced air, worker respiratory protection, and strict enforcement of no open flame regulations will be implemented to mitigate impacts from potential accumulations of dangerous or explosive vapors from contaminated soils and groundwater, as well as low oxygen atmospheres during confined space and tunneling activities.

Contamination of Stormwater Runoff:

- ❑ Prevent the contamination of stormwater runoff by implementing a program to divert or prevent contact of stormwater with contaminated materials. A contract

specification detailing the preventive actions that will be followed will be included as part of the contract submittal. Detailed descriptions of mitigation measures to prevent contamination of stormwater runoff are presented in Section 3.5, *Water Quality*.

Human Health:

- ❑ Mitigation of human health impacts could be achieved through implementation of a public awareness program and public relations policies.
- ❑ Through a public awareness program and public relations policies, information will be provided to local citizen interest groups and the media regarding programs implemented by WSDOT for hazardous waste protection.
- ❑ Access to construction areas will be limited to construction workers, inspection staff and escorted visitors.
- ❑ Require that the construction contract include a SPCC Plan specification to ensure that proper planning and handling procedures are followed to prevent and respond to a spill or fire. The SPCC will also describe the planning coordination effort between the contractor and the local fire departments, local emergency management, and any other concerned agencies.

Substantially Contaminated Sites:

Air Cargo Road and Northwest Airlines Tank Farm

- ❑ WSDOT and/or the Port of Seattle will coordinate with Northwest Airlines and the appropriate regulatory agencies to ensure that stakeholders consider construction needs in the cleanup of Northwest Airlines USTs and Air Cargo Road. Coordination will outline a plan for treatment, disposal, and construction timing to ensure that the independent cleanup of the Northwest Airlines Tank Farm is achieved.

Battery Power Systems, Inc., Building

- ❑ Is reclassified since issuance of the FEIS from a substantially contaminated hazardous waste site to a reasonably predictable hazardous waste site. This reclassification is based on observations of the site and experience with similar

sites. Further evaluation and sampling will occur prior to construction due to the unknown potential or level of contamination that may exist at the site given its current and previous uses.

Midway Landfill

- ❑ Construction will require excavation along the east border of the Midway Landfill, which falls within existing State right-of-way. The proposed I-5 improvements will extend 30 feet from the existing western edge of I-5 asphalt pavement. Per existing agreements, the city of Seattle will be responsible for all required mitigation for impacts to the landfill, its facilities, and the removal of material. Design efforts will be taken to ensure that any impacts to the landfill are minimized, and coordination efforts with the city, King County, and Ecology will continue through the design phase. Anticipated WSDOT design efforts include:

- Geotechnical investigations to determine waste limits.
- Construction of a vertical retaining wall to minimize excavation and removal of material.

Anticipated city of Seattle design and construction mitigation measures include:

- Odor control during excavation.
- Repair of any damage to the existing geomembrane cover system.
- Reconfiguration of the existing landfill gas collection system.
- Reconfiguration of the existing landfill drainage system.
- Proper disposal of municipal solid waste.

Visual Quality

- ❑ An interagency interdisciplinary team has been developed to incorporate aesthetic considerations into the project design subsequent to the environmental review process. A *Visual Guidelines* document will be the resulting product used to

ensure visual consistency through future design work. The focus of this team will be context sensitive design and solutions.

- ❑ Clearing for construction will be minimized to preserve existing stands of mature trees and other attractive natural vegetation wherever practical.
- ❑ Appropriate vegetation will be planted within the project right-of-way to preserve the semi-urban character of existing views; to screen views of the roadway, elevated structures, retaining walls, noise walls and other project features from areas with high viewer sensitivity; and to blend the project appearance with adjoining natural landscapes to the maximum feasible extent.
- ❑ Long-span bridge crossings will be considered at trails, streams, and wetlands to minimize view obstruction and interruption of visual continuity.
- ❑ The principles of architectural design will be employed to enhance the appearance of project features such as retaining walls and noise walls, including stepping and battering walls to reduce apparent height and scale; using the design vocabulary employed in the Sea-Tac Airport's North Access Road for the structures associated with the South Access Road; using surface texture on concrete surfaces to reduce apparent scale; and using concrete sealants to provide uniform color and help limit graffiti damage.
- ❑ Existing street trees and other trees (outside the minimum clear zone) will be replaced to provide screening for sensitive visual resources and viewers (the minimum clear zone is defined in the WSDOT *Design Manual* [2000]).
- ❑ Opportunities to acquire sufficient right-of-way to provide space for plantings near retaining and noise walls that adjoin areas with high viewer sensitivity will be investigated and incorporated where feasible. Remainder parcels that contain attractive natural vegetation that could contribute to the quality of view toward the proposed project, or that could screen views from sensitive viewers, will be retained where feasible.
- ❑ Locate material and equipment storage in areas that are not prominent during construction, to reduce visual impacts.

- ❑ Shield roadway lighting so that light sources (such as bulbs) are not directly visible from residential areas and local streets and to limit spillover ambient light in residential areas.

Determinations and Findings

The environmental record for the SR 509: Corridor Completion/I-5/South Access Road Project includes the previously referenced Draft, Revised Draft, and Final Environmental Impact Statements and Section 4(f) Evaluations (December 1995, January 2002 and January 2003, respectively). These documents, incorporated here by reference, constitute the statements required by NEPA and 49 U.S.C. Section 5324 (b) on:

- The environmental impacts of the project;
- The adverse environmental effects that cannot be avoided should the project be implemented;
- Alternatives to the proposed project; and
- Irreversible and irretrievable impacts on the environment that may be involved with the project should it be implemented.

Having carefully considered the environmental record noted above, the mitigation measures as required herein, the written and oral comments offered by other agencies and the public on this record, and the written responses to the comments, the FHWA has determined in accordance with U.S.C. Section 5324 (b) that adequate opportunity was offered for the presentation of views by all parties with a significant economic, social or environmental interest, and fair consideration has been given to the preservation and enhancement of the environment and to the interests of the communities in which the project is located; and all reasonable steps have been taken to minimize adverse environmental effects of the proposed project; and, where adverse effects remain, there exists no feasible and prudent alternative to avoid or further mitigate such effects.

Environmental Justice

An analysis of Environmental Justice is included in Appendix F of the Final EIS. Consistent with Presidential Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (February 1994) and FHWA Order 6640.23, "FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (December 1998), the FHWA has concluded that after the mitigation measures to minimize harm are implemented, no high and adverse human health or environmental effects

are expected to fall disproportionately on minority or low-income populations as a result of implementing the Selected Alternative.

Conformity with Air Quality Plans

An analysis of air quality, conformity with the Federal Clean Air Act (42 U.S.C. 7506 (c)), and regional conformity with the State Implementation Plan (40 CFR Part 93 and WAC 173-420) is included in the Final EIS. Initial results are presented in the *Air Quality* section of the Final EIS, Chapter 3.1.1. Based on public comment and FHWA policy that project conformity is demonstrated prior to issuance of the Record of Decision on projects for which FHWA is lead agency, a conformity analysis update was performed in 2002 and is included in Appendix H of the Final EIS. The conformity analysis was completed using the latest regional planning assumptions, including emissions factors and an analysis year consistent with those used in the Puget Sound Regional Council's (PSRC) Metropolitan Transportation Plan (MTP) adopted in 2001 (*Destination 2030*).

On June 27, 2002, PSRC Executive Board approved refinement of the MTP to reflect the design of the Selected Alternative for the proposed project. The revised modeling shows regional emissions below the emission budgets for all pollutants in 2020 and 2030 for the MTP, including the Selected Alternative. This modeling demonstrates that air quality in the Puget Sound region, including implementation of the Selected Alternative, will conform at the regional level to the regional air quality maintenance plans.

The proposed project is included in PSRC's current MTP and Regional TIP (project WDOUM-6). The project meets all requirements of 40 CFR Part 93 and WAC 173-420, and thus conforms to the Puget Sound Air Quality Maintenance Plans. The Selected Alternative will not cause any new or contribute to any existing regional exceedances of the National Ambient Air Quality Standards (NAAQS).

Endangered Species Act (ESA)

The Endangered Species Act of 1973, as amended (ESA), intends to protect threatened and endangered species and the ecosystems on which they depend. The ESA requires a federal agency to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any listed species or result in direct mortality, destruction, or adverse modification of critical habitat of listed species. This requirement is fulfilled under Section 7 of the ESA (50 CFR 402.08) by review of the proposed actions and consultation with the appropriate agency responsible for the conservation of the affected species. If

necessary, measures are required to avoid jeopardizing listed species or habitat.

A *Biological Assessment* for the project (WSDOT October 2002, amended December 2002) was submitted to the affected Federal resource agencies (NOAA Fisheries and USFWS), and the informal consultation process was completed in December 2002. The *Biological Assessment* is incorporated here by reference. NOAA Fisheries concurred with the WSDOT effect determination that the project “may affect, but not likely to adversely affect” for Puget Sound Chinook salmon, thus concluding the informal consultation process for the Selected Alternative in accordance with 50 CFR 402.14 (b)(1) (NOAA Fisheries, December 6, 2002). USFWS concurred with the WSDOT effect determination that the project “may affect, but is not likely to affect” the bald eagle or the bull trout, thus concluding the consultation process in accordance with 50 CFR 402.13 (USFWS, December 31, 2002).

Magnuson-Stevens Act

The 1996 Magnuson-Stevens Fisheries Conservation and Management Act (MSA) amended federal fisheries management regulations to require identification and conservation of habitat that is “essential” to federally managed fish species. Essential Fish Habitat (EFH) is defined as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity”. If an action will adversely affect EFH, NOAA Fisheries is required to provide the Federal action agency with EFH conservation recommendations (MSA 305 (b)(4)(A)). This consultation is based, in part, on information provided by the Federal action agency and descriptions of EFH for Pacific salmon contained in Appendix A to Amendment 14 to the Pacific Coast Salmon Plan (August 1999) developed by the Pacific Fishery Management Council and approved by the Secretary of Commerce (September 27, 2000).

The Selected Alternative area includes habitat that has been designated EFH for various life stages of Chinook and Coho salmon. Because the habitat requirements (*i.e.*, EFH) for the MSA-managed species in the project area are similar to that of ESA-listed species, and because the conservation measures that the FHWA/WSDOT have included in the *Biological Assessment* (WSDOT, October 2002) as part of the proposed action to address ESA concerns were considered adequate to avoid, minimize, or otherwise offset potential adverse effects to designated EFH, conservation recommendations pursuant to MSA (305(b)(4)(A)) are not necessary, concluding consultation under the MSA (NOAA Fisheries, December 6, 2002).

Section 106

Section 106 of the National Historic Preservation Act of 1966, as amended, and 36 CFR Part 800, requires the review of federally assisted projects for impacts to districts, sites, buildings, structures, and objects listed in, or eligible for inclusion in, the National Register of Historic Places (NRHP). FHWA and WSDOT submitted a completed Historic and Archaeological Report to the Washington State Historic Preservation Officer (SHPO) for concurrence. The SHPO concurrence letter (October 2, 2002) states that no known state or NRHP listed or NRHP-eligible resources are located in the Areas of Potential Effect (APE).

In 1999 WSDOT initiated consultations with federally recognized and non-recognized tribes pursuant to 36 CFR 800.2(a)(4), and in March 2000, FHWA initiated formal consultation with the tribes implementing Presidential Order 13175 (2000). Tribes contacted included the Muckleshoot Tribe, Duwamish Tribe, Lummi Nation, Puyallup tribe, Suquamish Tribe and Yakama Nation, as determined from review of the Usual and Accustomed Area maps (Governor's Office of Indian Affairs, May 1987, as updated). FHWA delegated responsibility to WSDOT to coordinate the report of findings with the SHPO for concurrence pursuant to 36 CFR 800.4(d)(1). The tribes were provided a 30-day comment period, and were contacted by phone 15 days prior to the end of the comment period to seek additional information.

Based on comments received from the Duwamish, Muckleshoot, and Suquamish Tribes, and the Yakama Nation, WSDOT initiated professional archaeological and historical monitoring of planned geotechnical investigation work that involved subsurface soils disturbance. Copies of the *SR 509 Test Drilling Cultural Resources Monitoring Survey* (WSDOT, November 2000) and letters requesting comments were sent to the above tribes in February 2001. No comments were received within the 30-day comment period or subsequently.

Wetlands

The United States Department of Transportation seeks to assure the protection, preservation, and enhancement of the nation's wetlands to the fullest extent practicable during the planning, construction and operation of transportation facilities and projects (DOT Order 5660.1A; Executive Order 11990).

Through interagency coordination efforts related to the Signature Agency Committee Agreement (SAC) process, WSDOT has implemented measures to reduce the wetland effects related to the Selected Alternative from a level requiring a United States Corps of Engineers

(USCOE) Individual Section 404 Permit (approximately 8.5 acres), to a level requiring a USCOE Nationwide Section 404 Permit (approximately 0.3 acres).

A *Conceptual Mitigation Plan* (WSDOT, August 2002) detailed the adverse effects on wetlands and their buffer areas, required mitigation ratios (both state and local agency), and planned mitigation as was more generally described in the Final EIS (Chapter 3.6). The *Conceptual Mitigation Plan* is incorporated here by reference. In November 2002, WSDOT received concurrence on the *Conceptual Mitigation Plan* from the federal and state SAC agencies.

With the proposed wetland mitigation measures for the Selected Alternative, FHWA and WSDOT find that the SR 509: Corridor Completion/I-5/South Access Road project meets the federal wetland requirements as described above.

Monitoring and Enforcement

The Division Administrator, Federal Highway Administration, and the Urban Corridors Administrator, Washington State Department of Transportation, will be responsible for monitoring and enforcing mitigation measures outlined within this Record of Decision.

Wetlands

Monitoring of wetland mitigation locations will be conducted annually for up to 5 years, or as agreed among all appropriate agencies. The frequency and duration of monitoring will be the subject of an agreement between the City of SeaTac, WSDOT and the wetland regulatory agencies. The agreement will specify responsible parties for monitoring activities as well as specifics of methodology, field assessments, reporting, and if needed, remedial actions. It is expected that monitoring reports will be submitted to the USCOE, Ecology and the City of SeaTac for review and comment one, three and five years after construction, unless otherwise agreed to. Reports will cover wetland hydrology, vegetation percent survival and percent cover. Should any goals of mitigation not be achieved, consultation will occur with the resource agencies to determine the appropriate contingency measures to ensure that the original mitigation goals and objectives are met.

Agency Permits and Approvals:

- U.S. Army Corps of Engineers
 - Section 404 of the Clean Water Act Nationwide Permit
- Washington State Department of Ecology (Ecology)
 - Water Quality Certification, Section 401 of the Clean Water Act
 - National Pollutant Discharge Elimination System (NPDES) Stormwater Permit
 - NPDES Stormwater Site Plan
 - Coastal Zone Management Plan Consistency Determination
- Washington Department of Natural Resources
 - Forest Practices Permit
- Washington State Department of Fish and Wildlife (WDFW)
 - Hydraulic Project Approval
- Cities of SeaTac, Des Moines, Federal Way, Kent, and King County
 - Noise Variance
 - Clearing Permit
 - Critical Area Determination
- King County
 - Landfill Disturbance Permit (to be obtained by others)
- Federal Aviation Administration
 - Airport Highway Clearance

Comments Received on the Final EIS and Responses

Three comment letters on the FEIS were received after it was issued. The first letter was from David Hoffman, a city of Kent resident, to FHWA Director James M. Shrouds at the FHWA Headquarters in Washington, D.C., dated February 17, 2003. The letter contains one issue related to bicycle access through the I-5/SR 516 interchange, and is included in its entirety as Attachment A. A full response to the comment is included as response number 1 below. The second comment letter received was from Judith Leckrone Lee, U.S. Environmental Protection Agency (EPA), Region 10 Geographic Unit Manager to James Christian, FHWA NW Region Team Leader, dated March 6, 2003. The letter contains one issue that includes two separate elements, and is included in its entirety as Attachment B. A full response to the comment is included as response number 2 below. The third comment letter is from Cynthia R. Pratt, Washington State Department of

Fish and Wildlife (WDFW), dated March 17, 2003. The letter contains one issue, and is included in its entirety as Attachment C. A full response to the comment is included as response number 3 below.

1.) David Hoffman, Kent resident, dated February 17, 2003:

Mr. Hoffman's comment expresses concern with similar statements made in the FEIS on page 3.10-37 (Social, Pedestrian and Bicycle Facilities) and page 5-69, Response P2-1. In these statements, WSDOT states that while specific details of bicycle facility improvements are not part of the FEIS (and will be addressed in following design efforts), WSDOT commits to providing safe and appropriate bicycle access through the SR 516 interchange, either at the existing SR 516 overcrossing or the proposed S. 228th overcrossing, but not both.

The city of Kent currently informally considers SR 516 a non-motorized collector route (not adopted in their Comprehensive Plan), and thus provides full shoulders without designated bike lanes. The S. 228th Corridor Extension Project, which is currently under design at the city, will either have 8 foot shoulders or sidewalk, with no bike lanes planned under any scenario given it's long, steep grade (approximately 9%). As part of the project, Kent will be adding bike lanes to Military Road between S. 228th and SR 516 (just east of I-5), as Military Road is designated a bike route in the city's non-motorized plan.

Given the fact that Kent estimates the SR 516 commuter bike traffic at less than 6 riders per day (it has very little recreational use given it's long, steep, winding alignment and lack of dedicated bike lanes), and the fact that the S. 228th extension will have no bike lanes and a much steeper grade than SR 516, it is not justifiable to add dedicated east-west bike facilities crossing I-5 at both locations. The WSDOT preference is to provide dedicated bike lanes through the existing SR 516 interchange, which from a safety perspective will improve upon the narrow shoulders that exist today at that location. Any bicycle traffic that does make use of the new S. 228th Corridor Extension (assuming shoulders are implemented and not sidewalk) will be able to easily traverse the 1,200 feet to SR 516 along the dedicated bike lanes on Military Road, then cross through the interchange by use of the bike lanes provided by the SR 509 project.

2.) Judith Leckrone Lee, EPA Region 10, dated March 6, 2003:

The letter from EPA expressed concerns very similar to those included in previous comment letters, which WSDOT has responded to through the RDEIS and FEIS processes. The comment reads as follows:

“As stated in previous comment letters for this project, EPA supports the Preferred Alternative as the best of the Action Alternatives, but remains concerned that the FEIS still has not adequately discussed indirect and cumulative effects associated with this proposed project, specifically issues related to induced growth and potential impairment to air quality. We recommend these issues be further discussed in the Record of Decision (ROD).”

WSDOT has met with EPA and had a number of conference calls with agency staff over this subject, as recently as March 2003. In terms of cumulative effects, WSDOT’s analysis was done in accordance with Council on Environmental Quality guidelines. All disciplines were reviewed in the context of other known projects in the SR 509 project area, to determine which disciplines had the potential for cumulative effects at a regional or local level. The cumulative effects of the projects in disciplines deemed ‘resources of concern’ were then described in enough detail to adequately quantify the effects, along with mitigation efforts to offset those effects. The regional resources of concern covered include Surface Water Quality, Fish and Fish Habitat, Wetlands and at a local level, Displacement and Relocation.

The primary focus of the above comment, and discussions with EPA subsequent to issuance of the RDEIS, have centered on indirect or secondary effects, which in theory have the potential to cause induced growth leading to sprawl, as well as increased harm to air quality. WSDOT has demonstrated to EPA that the SR 509 project falls entirely within the urban growth area as defined by the Washington Growth Management Act. A similar level of projected growth is expected to occur in the project area with or without the SR 509 project, with no known or planned developments in the project area that are contingent upon the implementation of the SR 509 project. Although the proposed SR 509 project would support and facilitate planned growth, it would not induce growth.

Given previous air quality comments received related to the RDEIS, as well as FHWA policy that regional air quality conformity must be demonstrated prior to issuance of the ROD for projects which FHWA is lead agency on, WSDOT re-analyzed air quality impacts prior to issuance of the FEIS. The analysis was performed to determine both localized (hot-spot) and regional conformity to the Puget Sound

Region's air quality maintenance plans pursuant to the requirements of 40 CFR Part 93 and WAC 173-420. The conformity analysis was completed using the latest regional planning assumptions, including emissions factors and an analysis year consistent with those used in PSRC's Metropolitan Transportation Plan (MTP) adopted in 2001 (*Destination 2030*).

On June 27, 2002, the PSRC Executive Board approved refinement of the MTP to reflect the current design of the SR 509 preferred alternative, with the revised modeling indicating regional emissions below the emissions budgets for all pollutants in 2020 and 2030 for the MTP. The SR 509 project, designated as project WDOUM-6 n the Regional TIP and MTP, would not cause any new or contribute to any existing regional exceedances of the National Ambient Air Quality Standards. The results of the updated conformity analysis are presented in Appendix H of the FEIS.

WSDOT is confident that the cumulative and indirect (secondary) effects analyses performed within the FEIS are both sufficient and adequate, and follow the current applicable guidance and codes that have been set forth and adopted at the regional and federal levels.

3.) Cynthia R. Pratt, WDFW, dated March 17, 2003:

The letter from WDFW addresses attention to the fact that WSDOT inadvertently published the incorrect version of the Signatory Agency Committee (SAC) Concurrence Point #3 letter from WDFW. The published concurrence letter is dated November 5, 2002, and represents the last draft version of the letter. Based on discussions between WSDOT and WDFW, a final version of the letter was issued which reflected a final set of comments and revisions, dated November 12, 2002. The WDFW FEIS comment letter requests that WSDOT publish the concurrence letter dated November 12, 2002 in the ROD, and as such it is included as Attachment D.

Attachment A

17 February 2003

Director James M. Shrouds
Office of Natural and Human Environment, HEPN-1
Federal Highway Administration (FHWA) Headquarters (Nassif Building)
400 7th Street, S.W.
Washington, D.C. 20590

Subject: WSDOT SR509/I-5 Project, Record of Decision

Dear Director Shrouds, -

This is a Citizen's comment concerning FHWA's Record of Decision regarding Washington State Department of Transportation's (WSDOT) SR-509 Project.

WSDOT's newsletter *State Route 509 Completing the Link, SR-509/I-5 Freight and Congestion Relief Project* (Ref a, attached) states, "a Record of Decision is scheduled to be signed by the Federal Highway Administration in March 2003."

I request that FHWA's signing of the Record of Decision be conditional on the inclusion of practical bicycle access (described below) through the interchange between SR-516 and Interstate 5 (I-5).

I take issue with the Final Environmental Impact Statement (FEIS, Ref b) paragraphs titled "Pedestrian and Bicyclist Facilities" on Page 3.10-37 and "Response P2-1" on Page 5-69, both of which say that only one bicycle crossing of Interstate 5 will be considered at the SR-516 interchange. Two crossings integrated with the motor network are needed because the two potential crossing sites have mutually exclusive access characteristics imposed by topography and the planned road layout. There should be bicycle-compatible I-5 crossings at South 228th Street and at SR-516 to service utilitarian bicyclists, mainly commuters.

I recommend that the final design be equivalent to the suggested design shown in the FEIS starting on Page 5-71. The suggested design adequately serves utilitarian bicyclists using the SR-516 interchange to cross I-5.

The SR-516 interchange has had a major and worsening detrimental impact on the surrounding residential community by choking off access for bicyclists needing to cross I-5. The problem is compounded by the distances to the next nearest crossings-- 2.5 miles away to the south and over a mile away to the north. WSDOT's preliminary

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designs for SR 509 using a single crossing are inadequate for enabling utilitarian cyclists to efficiently cross I-5 at the SR-516 interchange.

I request that your office block FHWA's signing of the Record of Decision until WSDOT agrees to include both bicycle crossings of I-5 at the SR-516 interchange.

Thank you for considering my comments.

Respectfully yours,

David W. Hoffman
David W. Hoffman
25334 45th Ave. S.
Kent, WA 98032

References:

- a. *State Route 509 Completing the Link, SR-509/I-5 Freight and Congestion Relief Project*, Newsletter #11, January 2003
- b. *SR 509: Corridor Completion/I-5/South Access Road Final Environmental Impact Statement and Section 4(f) Evaluation*, Volume 1, January 2003

Enclosure:

Ref a

Attachment B



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10
1200 Sixth Avenue
Seattle, WA 98101

MAR - 6 2003

Reply To
Attn Of: ECO-088

Ref: 96-003-FHA

James Christian
NW Region Team Leader
Federal Highway Administration
711 S Capitol Way #501
Olympia WA 98501

MAR 7 2003

Dear Mr. Christian:

The U.S. Environmental Protection Agency (EPA) has completed our review of the Final Environmental Impact Statement (FEIS) for the proposed **SR 509: Corridor/I-5/ South Access Road** project pursuant to Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act (NEPA) as amended. Section 309, independent of NEPA, directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions as well as the adequacy of information in the NEPA document.

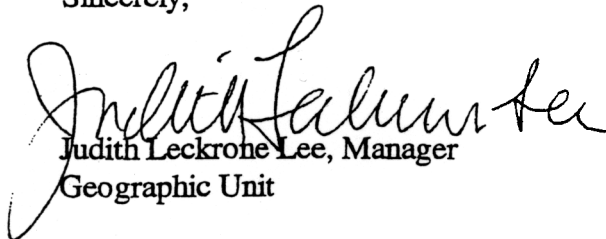
The lead agency (the Federal Highway Administration) in cooperation with the project proponents, the Washington Department of Transportation and local agencies, proposes to construct a SR-509 corridor extension to Interstate 5 (I-5). The FEIS proposes an action plan to improve regional connections with an extension of SR-509 to serve future transportation needs in southwestern King County and to improve southern access for Seattle-Tacoma International Airport (Sea-Tac Airport). This proposed project is to enhance and improve mobility, accessibility, and safety within the project area. The Preferred Alternative (C2) proposes to construct new alignments (state route corridor completion and South Access Road) from Sea-Tac International Airport area to I-5.

As stated in previous comment letters for this project, EPA supports the Preferred Alternative as the best of the Action Alternatives, but remains concerned that the FEIS still has not adequately discussed indirect and cumulative effects associated with this proposed project, specifically issues related to induced growth and potential impairment to air quality. We recommend these issues be further discussed in the Record of Decision (ROD).

I encourage you to contact Tom Connor, at (206) 553-4423, at your earliest convenience to discuss our comments, how they might best be addressed, or how we might contribute in inter-agency discussions of these issues on this project.

Thank you for the opportunity to review this Final Environmental Impact Statement on the SR 509 Corridor/I-5/ South Access Road in King County.

Sincerely,


Judith Leckrone Lee, Manager
Geographic Unit

cc: John White (WSDOT)

Attachment C



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N - Olympia, Washington 98501-1091 - (360) 902-2200, TDD (360) 902-2207
Main Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, WA

March 17, 2003

John H. White, P.E.
Project Engineer
WSDOT Urban Corridors Office
6431 Corson Avenue South
Seattle, Washington 98108

Dear Mr. White:

SUBJECT: SR 509/I-5 Freight and Congestion Relief Project

The Final Environmental Impact Statement (FEIS) published the wrong comment letter from the Washington Department of Fish and Wildlife. The one that was included was dated November 5, 2002. This letter was updated on November 8, 2002 and a cover letter (dated November 12, 2002) with the final version sent to you on November 13, 2002. Please include the final version of our letter in the ROD.

Sincerely,

Cynthia R. Pratt
SEPA/NEPA Coordinator
WDFW SAC Representative
Habitat Program

Attachment D

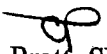


State of Washington
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Mailing Address: 600 Capitol Way N - Olympia, Washington 98501-1091 - (360) 902-2200, TDD (360) 902-2207
Main Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, WA

November 12, 2002

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TO: David Williams, Project Leader, and SAC Representatives
FROM:  Cynthia Pratt, SEPA/NEPA Coordinator and SAC Representative
SUBJECT: SR 509 Concurrence Point 3, and PFEIS Comments

Apparently, WSDOT did not realize that our comments were meant as advisory only and that information was added to clarify our RCWs, so I have revised our agency's letter again. Please toss (or ignore) all other letters we have sent out concerning Concurrence Point #3.

CP

cc: Kurt Buchanan

cc: Susan Everett
John White



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N - Olympia, Washington 98501-1091 - (360) 902-2200, TDD (360) 902-2207
Main Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, WA

November 8, 2002

Washington Department of Transportation
Northwest Region - Environmental Services
Attention: David Williams
PO Box 330310
Seattle, WA 98133-9710

Dear Mr. Williams:

RE: SR 509 Corridor Completion/ I-5/ South Access Road, Concurrence Point 2
Preliminary Final EIS

Enclosed are comments to be included with our signed SAC Agreement concurrence form for Concurrence Point 3. We concur for the following reasons:

We agree with you, it appears that Alternative C2 leads to least impact to fish, wildlife, and wetlands resources compared to other built alternatives.

Fish Passage - RCW 77.55.060 provides legal requirements for owners of barriers to fish migration, such as the Des Moines Creek Way fish passage barrier. Under most circumstances, WDFW does not allow mitigation credit for work to correct fish passage barriers. The fish passage barrier, an aged box culvert, at Des Moines Way referenced in the Preliminary Final Environmental Impact Statement (PFEIS) as a fish mitigation project, is owned by DOT. However, the SR 509 project is unique in that WSDOT will be working with a multi-agency group (King County, Cities of Des Moines and Seatac and Port of Seattle) to restore the Des Moines Creek watershed. This includes the channel and riparian areas above the fish barrier. The mitigation package will not be effective without removing the barrier.

The Des Moines Way fish barrier is listed on WDFW's inventory for fish passage correction. It has a priority index (PI) of 24.61, a fairly high priority. It is ranked 31 out of 452 WSDOT barrier crossings. Des Moines Creek has been surveyed by WDFW staff and includes (at least below the barrier) coho, chum, steelhead, searun cutthroat and resident trout. If the barrier was removed using fish passage barrier designated funds, it would be replaced with a culvert, since there is not enough funding in the account to replace the barrier with a bridge. The package as proposed in the PFEIS, Chapter 3, Page 3.7-21, states that all streams crossings will be replaced with bridges. This includes the existing Des Moines Way box culvert (at Marine View Drive).

Given that the proposal to improve Des Moines Creek includes a bridge (instead of a culvert replacement), that the barrier is a high priority, that additional work in the basin would not be effective without this removal, and that the replacement of this barrier based on the fish passage inventory list¹ would not be corrected before the SR 509 project's Des Moines Creek restoration portion of their package is completed, the need to make this an exception to using mitigation funding for this project seems appropriate. This is an entire package of improvements for Des Moines Creek. The time line for early usable stream reach by various fish species will occur much sooner than previously scheduled on our fish passage inventory list so that the ratio of value is far greater than it would be by correction of the barrier at a later date (greater than 1:1). This higher ratio is achieved by including this fish passage barrier in the mitigation portion of the PFEIS and has been agreed upon by our agency. WDFW does not want to imply, however, that responsibility to correct WSDOT's fish passage barriers, a legal responsibility, can be used as mitigation for other projects.

Advisory Comments

On Page 3.7-22, Chapter 3, the PFEIS states that "other enhancement opportunities of Des Moines Creek in the vicinity of the project are being investigated. We encourage WSDOT to explore these options in addition to the proposals included in the PFEIS.

While not actually stated in the PDEIS but as an associated project, improvements to (South 200th Street as an arterial connection to the South Access Road), the Des Moines Creek culvert will need replacing. There appears to be agreement between some parties that this culvert should remain as a barrier to prevent anadromous fish from continuing upstream into what is now Tyee Golf Course. The wildlife exclusion zone imposed by FAA overlaps the stream through the golf course, and there is a concern that salmon carcasses will attract bird scavengers which will endanger aircraft. WDFW staff, DOT project staff, and FAA should meet soon to discuss priorities and designs/cost for the S. 200th culvert work. This may be an opportunity to investigate ways to eliminate safety concerns while improving fish passage.

Conceptual Mitigation Plans - The mitigation proposed at this phase of the EIS process should be a "Detailed Mitigation Plan" (per Concurrence Point #3), rather than Conceptual. The following suggestions might be considered if they have not been considered previously or have already been addressed:

- 1) Wetlands previously filled might be un-filled and rehabilitated. On the Golf Course,

¹Fish Passage Program: Washington State Department of Transportation Fish Passage Barrier Removal Program, Appendix IV: Six Year Plan for Dedicated Funding. July 2002

or adjacent to Wetlands B and F, there are likely formerly filled wetlands that serve no immediate development purpose and may be restored. There may also be sites south of S. 200th St., adjacent to the large Wetland A and the SR 509 or South Access Road R/W which could also be un-filled. There may be former wetlands at the Midway Sewer District Treatment Plant that could be rehabilitated, and potentially form an enhanced riparian corridor through the plant site.

2) For stream channel habitat work, large trees are a benefit. The contract should be written so that all 18 inch and larger conifers cleared from the right-of way or staging areas are the property of the DOT, not the contractor. Trees should be left either as full length, or 30 feet long as a minimum. Rootwads should remain attached. Trees saved should be transported to a secure stockpile location near Des Moines Creek.

3) Stream channel work is needed in many sections of Des Moines Creek. Some of these sections are already slated for work by your agency. Here are suggestions that may or may not be included but bear considering. Concentrating work downstream of the existing old SR 509 right-of-way would provide improved habitat as far away from the airport wildlife exclusion zone as possible. Access is easy, either from paved footpath, or gravel roadway. The outdated fish passage structures at the sewer plant are not up to today's standards for fish passage, and should be replaced. The rock channel section just downstream of the last concrete weir provides a significant barrier to chum migration, when those fish finally have access up this far. This channel section should be re-worked at the time the weirs are worked on. At this point, the public has little access to the gravel road between the sewer plant and Des Moines Way. Working on this section would not involve disruption to public use of the area. The area downstream of Des Moines Way is a public park which currently has spawning salmonids. It is largely devoid of in-stream habitat, and fish would immediately use it if it were available. If work was concentrated in this lowest section, the Des Moines Senior Center should be removed from the stream. The building was built over the stream, and the basement channel can no longer contain the stream during winter high flow. The stream, and fish wash out onto the surrounding grounds. The building-stream combination is novel, and provides shade, but is not fish habitat.

It appears that there is likely to be greater wetland, stream, and runoff impacts due to the construction of the South Access Road, rather than from SR 509 itself. Des Moines Creek was once known as Bow Lake Creek, forming that eastern tributary as the outlet stream of Bow Lake. This stream no longer exists, being buried in pipes until it reappears in much degraded condition near the "Tyee Pond" site at the Golf Course. The South Access Road runs encroaches very close to this stream/wetland complex, crossing it four times, according to the EIS. Elevated temperatures are a serious problem in the stream. A major stream restoration project is planned for the Golf Course part of this

David Williams
November 8, 2002
Page 4

stream. Heavy plantings of willow, red-ossier dogwood, and cottonwood poles arching over the new channel would provide rapid shading of the stream, and will minimize waterfowl and raptor access to the open water channel.

We assume there will be consultation on the stormwater design unless there is an NPDES permit already in place, as the discharge of stormwater to streams and wetlands negatively impacts fish and wildlife. We applaud your attempts to infiltrate portions of the stormwater, and to allow rain to fall between lanes of the elevated, separated roadway, rather than on a solid impervious embankment. We expect that the stormwater design utilizes the standards in the most current version of the DOT Runoff Manual, or the DOE Stormwater Management Manual for Western Washington, whichever provides the greatest protection to water quality.

Thank you for considering our comments on your proposal. We appreciate your continued cooperation in our efforts to protect and manage the fish and wildlife resources of the state of Washington. If you have any questions, please contact me at (360) 902-2575, or Kurt Buchanan, the WDFW/DOT Liaison for this project, at (360) 466-4345 x 256.

Sincerely,

A handwritten signature in black ink, appearing to read "Cynthia R. Pratt". The signature is fluid and cursive, with a large loop at the end.

Cynthia R. Pratt
SAC Agreement Representative
SEPA/NEPA Coordinator
Habitat Program

cc: Sandra Manning, Ecology
Emily Teachout, USFWS
Jack Kennedy, USCOE
Dick Clark, EPA
Tom Connors EPA
Sharon Love, FHWA
Phil KauzLoric, WSDOT
Paul Sekulich, WDFW
Greg Hueckel, WDFW
Kurt Buchanan, WDFW